

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Nathaniel Salley and Joseph Salley, as)	C/A No. 2:10-cv-00791-DCN
Personal Representatives of the Estate of Annie)	
Salley,)	
)	
Plaintiffs,)	
)	
Versus)	NOTICE AND MOTION TO DISMISS,
)	PURSUANT TO RULES 12(B)(2) AND
Heartland-Charleston of Hanahan, SC, LLC,)	(B)(6), ON BEHALF OF THE CARLYLE
d/b/a Heartland Healthcare Center –)	GROUP
Charleston; HCR Manorcare, Inc.; Manor)	
Care, Inc.; Manor Care of America, Inc.; HCR)	
Manorcare Medical Services of Florida, LLC;)	
The Carlyle Group,)	
)	
Defendants.)	

TO: IAN S. FORD AND DWAYNE GREEN, ATTORNEYS FOR THE PLAINTIFFS:

The Defendant The Carlyle Group filed a motion to dismiss for lack of personal jurisdiction, pursuant to Rule 12(b)(2), in the state court before this case was removed to federal court, which motion remains pending.

The Defendant The Carlyle Group will move in ten days or as soon as may be heard to renew that motion to and will seek an order of dismissal under Rule 12(b)(2), Fed. R.Civ. P., on the ground that The Carlyle Group does not have any contacts with the State of South Carolina sufficient to establish personal jurisdiction under the South Carolina long-arm statute or the Due Process Clause.

In the alternative, The Carlyle Group will also move for an order dismissing the complaint against this Defendant, pursuant to Rule 12(b)(6), Fed. R. Civ. P., because the Plaintiffs fail to state a claim upon which relief can be granted against this Defendant.

This motion is supported by all applicable authority, and it is supplemented with a memorandum of law and affidavits submitted herewith as well as any other memoranda, argument, and affidavits which might be submitted hereafter as permitted under the Federal Rules of Civil Procedure.

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June 25, 2010

Charleston, South Carolina

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